

REMARKS

Claims 1-40 are pending in the application. Claims 1-40 are rejected. Claims 1, 7, 13, 20, 33 and 34 have been amended. Claims 3, 9, 22 and 37 have been canceled. In view of the following, all previously unallowed claims are in condition for allowance.

Rejection of Claims 1-2, 4, and 6 Under 35 U.S.C. 102(b) As Being Anticipated By U.S Patent 6040829 to Croy et al. ("Croy")

Claim 1

Claim 1 recites a circuit that causes a device to operate according to a predetermined user profile of a person.

For example, referring to FIG. 1 and paragraph 19 of the present application, an automobile 14 includes a profile circuit 18 that causes the automobile to recall the profile of a driver 10 in response to an apparatus 12 carried by the driver. Typically, the circuit 18 communicates with the seat, mirror, climate, and other controls in order to set these controls according to the preferences included in the driver's profile.

Croy, on the other hand, fails to teach a circuit causing a device to operate according to a predetermined user profile. Croy, at, e.g., FIGS. 1 and 2 and the abstract, teaches a hand-held device and system for monitoring and controlling electronic devices. The device and system comprise a base station 100, including a microcontroller and an interface coupled to the microcontroller for receiving external information, and a personal navigator (PN) 200 coupled to the base unit via a data link. The Examiner seems to suggest that the PN 200 includes a circuit that causes the base station 100 or other device to operate according to a predetermined user profile of a person.

However, the sole description in Croy of user profiles is found at col. 8, line 62 to col. 9, line 2 where Croy teaches that “[t]he PN 200 is uniquely ‘identifiable’ using a unique internal number, defined and incorporated into the base station 100 and/or each PN 200 at the time of manufacture. . . . By use of the unique internal number, the PN 100 [*sic*] is able to handle personal profiles (‘personifiable’) e.g., personal viewing choices on TV, own bookmarks for www, personal data, and the like based on the unique internal number.” Croy completely fails to clarify what is meant by “handling” personal profiles, the result of which is that the reader has no meaningful way of understanding how personal profiles are generated and employed in Croy’s system. Moreover, because Croy uses the term “PN 100,” it is unclear whether Croy is referring to the base station 100 or the PN 200 as doing the personal profile “handling.” As such, in no manner can Croy fairly be said to teach or suggest that a circuit associated with the PN 200 causes the base station 100 or any other device to operate according to a user profile.

Claims 2, 4 and 6

Claims 2, 4 and 6 are patentable by virtue of their dependency from claim 1.

Rejection of Claims 7, 13, 16-17 and 20 Under 35 U.S.C. 102(b) As Being Anticipated By U.S Patent 5977964 to Williams et al. (“Williams”)

Claims 7 and 20

Claims 7 and 20 recite a circuit that detects an electronic apparatus that corresponds to a person and that causes a device to operate according to a user profile in response to such detection.

For example, referring to FIG. 1 and paragraphs 19 and 23 of the present application, an automobile 14 includes a profile circuit 18 that causes the automobile to recall the profile of a driver 10 in response to an apparatus 12 carried by the driver. Typically, the circuit 18 communicates with the seat, mirror, climate, and other controls

in order to set these controls according to the preferences included in the driver's profile. If the driver 10 has previously loaded his profile into the circuit 18, then the apparatus 12 identifies the driver 10 to the circuit 18 so that the circuit 18 can recall the corresponding profile.

Williams, on the other hand, fails to teach an electronic apparatus that corresponds to a person. Williams, at, e.g., FIGS. 1 and 3 and col. 10, lines 26-41, teaches a system controller 104 (circuit) that prompts a system user to identify himself. For example, the system controller 104 may provide a window on a television/monitor 102 wherein a number of pictures of possible system users are displayed, in order to request that the user affirmatively respond via, e.g., remote control (electronic apparatus) when their picture is displayed. If the match is verified as being accurate, then the system controller 104 configures the system according to preferences of the identified user. That is, the system user must, using a remote control, identify himself from among a "number" of potential users before achieving system configuration. As such, because a number of different users may identify themselves to the system using the same remote control, the remote control does not correspond to a system user.

Claim 13

Claim 13 recites a base unit including a circuit that detects a remote electronic apparatus associated with a person and causes a device communicatively coupled to the base unit to operate according to a user profile in response to detecting the electronic apparatus.

For example, referring to FIG. 3 and paragraphs 32-35 of the present application, a base unit 50 allows an apparatus 12 to communicate with a single unit instead of individual devices communicating with the base unit 50 over respective paths. The apparatus 12, via the base unit 50, causes each of the devices to recall the respective profile of a person 30, thus eliminating the need for the person to manually recall his profiles for each respective device.

Williams, on the other hand, fails to teach a base unit having a circuit that causes a device communicatively coupled to the base unit to operate according to a user profile. Williams, at, e.g., FIGS. 1 and 3 and col. 10, lines 26-41, teaches a system 100 (base unit) having a system controller 104 (circuit) that prompts a system user to identify himself. For example, the system controller 104 may provide a window on a television/monitor 102 wherein a number of pictures of possible system users are displayed, in order to request that the user affirmatively respond via, e.g., remote control (electronic apparatus) when their picture is displayed. If the match is verified as being accurate, then the system controller 104 configures the system according to preferences of the identified user. That is, the system controller 104, by detecting the remote control, causes only itself to configure the system according to a user profile. As such, Williams in no manner teaches that the system controller 104 causes another device (e.g., television, satellite, *etc.*) coupled to the system 100 to operate according to a user profile.

Claims 16-17

Claims 16-17 are patentable by virtue of their dependency from claim 13.

Rejection of Claims 34-40 Under 35 U.S.C. 102(e) As Being Anticipated By U.S. Patent 6584381 to Gehrke.

Claim 34

Claim 34 recites configuring a device according to a user profile of a person in response to sensing the person without the person touching the device.

For example, referring to FIG. 1 and paragraphs 19 and 21 of the present application, an automobile 14 includes a profile circuit 18 that causes the automobile to recall the profile of a driver 10 in response to an apparatus 12 carried by the driver. Typically, the circuit 18 communicates with the seat, mirror, climate, and other controls

in order to set these controls according to the preferences included in the driver's profile. In operation, the apparatus 12 and the circuit 18 establish communication with one another when a personal area network (PAN) 22 of the driver 10 intersects with the circuit 18, that is, when the circuit 18 enters the driver's PAN. No physical contact between the driver 10 and the automobile is required for the circuit 18 to sense the apparatus 12 and, thus, the driver 10.

Gehrke, on the other hand, fails to teach sensing a person without the person touching a device. Gehrke, at, e.g., FIG. 1 and col. 4, lines 3-51, teaches user-specific information (user profile) being stored in a transponder 16. The user, carrying the transponder 16, proceeds to a vehicle (device). The user pulls the vehicle door handle, which results in a transmitter/receiver 18 in the vehicle to emit an inquiry signal to the transponder 16. If the transmitter/receiver 18 recognizes the transponder 16, the vehicle door is unlocked. Subsequently, the user information stored in the transponder 16 is transmitted to a control unit 20 that customizes the vehicle according to the user information. As such, unlike the claimed method, the device (vehicle) of Gehrke must first be touched by a person in order for the device to sense the person.

Claims 35-36 and 38-40

Claims 35-40 are patentable by virtue of their dependency from claim 34.

Rejection of Claims 3 and 22 Under 35 U.S.C. 103(a) As Being Unpatentable Over Croy in view of U.S Patent 6563430 to Kemink et al. ("Kemink")

Claims 3 and 22 have been canceled from the application.

Rejection of Claim 5 Under 35 U.S.C. 103(a) As Being Unpatentable Over Croy in view of U.S Patent 6396224 to Luff et al. ("Luff")

Luff fails to supply the teachings missing from Croy, namely a circuit causing a device to operate according to a predetermined user profile. Therefore, this combination of references fails to render claim 1 obvious. As such, claim 5 is patentable by virtue of its dependency from claim 1.

**Rejection of Claims 8, 14, and 21 Under 35 U.S.C. 103(a) As Being Unpatentable
Over Williams In View of Croy**

Claims 8 and 21

Croy fails to supply the teachings missing from Williams, namely an electronic apparatus that corresponds to a person. Therefore, this combination of references fails to render claims 7 and 20 obvious. As such, claims 8 and 21 are patentable by virtue of their respective dependencies from claims 7 and 20.

Claim 14

Croy fails to supply the teachings missing from Williams, namely a base unit having a circuit that causes a device communicatively coupled to the base unit to operate according to a user profile. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 14 is patentable by virtue of its dependency from claim 13.

**Rejection of Claims 9, 15, and 22 Under 35 U.S.C. 103(a) As Being Unpatentable
Over Williams in view of Kemink**

Claims 9 and 22

Claims 9 and 22 have been canceled from the application.

Claim 15

Kemink fails to supply the teachings missing from Williams, namely a base unit having a circuit that causes a device communicatively coupled to the base unit to

operate according to a user profile. Moreover, as discussed in detail below with reference to claims 30 and 32-33, Kemink fails to teach a remote circuit causing a device to operate according to a user profile when a person is within a predetermined range. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 15 is patentable by virtue of its dependency from claim 13.

Rejection of Claims 10 and 16 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of U.S Patent 6530083 to Liebenow

Claim 10

Liebenow fails to supply the teachings missing from Williams, namely an electronic apparatus that corresponds to a person. Therefore, this combination of references fails to render claim 7 obvious. As such, claim 10 is patentable by virtue of its dependency from claim 7.

Claim 16

Liebenow fails to supply the teachings missing from Williams, namely a base unit having a circuit that causes a device communicatively coupled to the base unit to operate according to a user profile. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 16 is patentable by virtue of its dependency from claim 13.

Rejection of Claims 11-12 and 18-19 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams in view of U.S Patent 6606481 to Tegler et al. ("Tegler")

Claims 11-12

Tegler fails to supply the teachings missing from Williams, namely an electronic apparatus that corresponds to a person. Therefore, this combination of references fails

to render claim 7 obvious. As such, claims 11-12 are patentable by virtue of their respective dependencies from claim 7.

Claims 18-19

Tegler fails to supply the teachings missing from Williams, namely a base unit having a circuit that causes a device communicatively coupled to the base unit to operate according to a user profile. Therefore, this combination of references fails to render claim 13 obvious. As such, claims 18-19 are patentable by virtue of their respective dependencies from claim 13.

Rejection of Claims 23-24 Under 35 U.S.C.103(a) As Being Unpatentable Over Williams In View of U.S Patent 5602538 to Orthmann et al. ("Orthmann")

Orthmann fails to supply the teachings missing from Williams, namely an electronic apparatus that corresponds to a person. Therefore, this combination of references fails to render claim 20 obvious. As such, claims 23-24 are patentable by virtue of their dependency from claim 20.

Rejection of Claims 25-26 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of U.S. Patent 6418324 to Doviak et al. ("Doviak")

Doviak fails to supply the teachings missing from Williams, namely an electronic apparatus that corresponds to a person. Therefore, this combination of references fails to render claim 20 obvious. As such, claims 25-26 are patentable by virtue of their dependency from claim 20.

Rejection of Claim 28 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of U.S Patent 6167358 to Othmer et al. ("Othmer")

Othmer fails to supply the teachings missing from Williams, namely an electronic apparatus that corresponds to a person. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 28 is patentable by virtue of its dependency from claim 20.

**Rejection of Claim 29 Under 35 U.S.C. 103(a) As Being Unpatentable Over
Williams In View of Gehrke**

Gehrke fails to supply the teachings missing from Williams, namely an electronic apparatus that corresponds to a person. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 29 is patentable by virtue of its dependency from claim 20.

**Rejection of Claims 30 and 32-33 Under 35 U.S.C. 103(a) As Being Unpatentable
Over Kemink In View of Croy**

Claim 30

Claim 30 recites a base unit operable to cause a satellite device to operate according to a user profile in response to detecting an electronic apparatus.

For example, referring to FIG. 3 and paragraphs 32-35 of the present application, a base unit 50 allows an apparatus 12 to communicate with a single unit instead of each one of individual devices communicating with the base unit 50 over respective paths. The apparatus 12, via the base unit 50, causes each of the devices to recall the respective profile of a person 30, thus eliminating the need for the person to manually recall his profiles for each respective device.

Kemink, on the other hand, fails to teach or suggest a base unit operable to cause a satellite device to operate according to a user profile in response to detecting an electronic apparatus. Kemink, at, e.g., FIGS. 1 and 2 and col. 4, line 64- col. 5, line

9, teaches a control device 100a (electronic apparatus) that may automatically turn on a television appliance 210b (satellite device), tune it to the particular channel, and subsequently turn off the television appliance 210a. That is, the information source 240 of Kemink, cited by the Examiner as being a base unit, does not in any manner cause the appliance 210b to operate at all, much less according to a user profile. Rather, the information source 240 merely provides the user of the control device 100 with information about appliances/devices that the user may operate using the control device 100. As such, Kemink fails to teach the claimed limitation of a base unit operable to cause the operation of a satellite device.

Moreover, because Croy fails to supply the teachings missing from Kemink, namely a base unit operable to cause a satellite device to operate according to a user profile in response to detecting an electronic apparatus, claim 30 cannot fairly be said to be obvious in view of Kemink and Croy.

Claims 32-33

Claims 32-33 are patentable by virtue of their dependency from claim 30.

**Rejection of Claim 31 Under 35 U.S.C. 103(a) As Being Unpatentable Over Kemink
in view of Gehrke**

Gehrke fails to supply the teachings missing from Kemink and Croy, namely a base unit operable to cause a satellite device to operate according to a user profile in response to detecting an electronic apparatus. Therefore, this combination of references fails to render claim 30 obvious. As such, claim 31 is patentable by virtue of its dependency from claim 30.

Appl. No. 10/016,315
Amdt. dated May 6, 2004
Reply to Office Action of February 9, 2004

CONCLUSION

In view of the foregoing, all pending and unallowed claims are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425.455.5575.

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P.G. Scott Born', written over a horizontal line.

P.G. Scott Born
Registration No. 40,523
Graybeal Jackson Haley LLP
155 - 108th Avenue N.E., Suite 350
Bellevue, WA 98004-5901
(425) 455-5575

Dated: May 6, 2004